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ACTION AF-01

INFO	LOG-00	AID-00	AMAD-01	CIAE-00	OASY-00	DODE-00	SRPP-00
	EB-01	FBIE-00	H-01	TEDE-00	INR-00	IO-06	I-01
	ADS-00	NSAE-00	NSCE-00	OIC-02	PA-01	PM-00	PRS-01
	P-01	SP-00	SSO-00	SS-00	STR-01	TRSE-00	USIE-00
	PMB-00	PRME-01	PRMC-01	DRL-09	G-00	/028W	
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FM AMEMBASSY KIGALI
TO SECSTATE WASHDC IMMEDIATE 1136
INFO RWANDA COLLECTIVE

S E C R E T SECTION 01 OF 02 KIGALI 002482

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, PINS, RW
SUBJECT: GOR CONSIDERING AMNESTY, PARDONS, INSTEAD OF
TRIALS; JUSTICE MINISTER CALLED INNEFFECTIVE

REF: KIGALI 2444

1. SECRET -- ENTIRE TEXT. OADR: FOREIGN GOVERNMENT
INFORMATION.

2. SUMMARY. ACCOMPANIED BY DATT, I CALLED ON MINISTER OF
HEALTH KAREMERA AUGUST 2 TO DISCUSS MY VISIT TO GITARAMA
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PRISON THE PREVIOUS DAY, THE KILLING OF THE SOUS-PREFET

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OF RUHANGO AND THE GENERAL QUESTION OF THE JUSTICE SYSTEM. KAREMERA UNBENT TO A CONSIDERABLE DEGREE AND ASSURED US THAT THE GOR IS MORE THAN AWARE OF THE PROBLEMS IN THE PRISONS; THAT A PLAN IS UNDER STUDY WHICH WOULD DIVIDE GENOCIDE SUSPECTS INTO THREE CATEGORIES AND WOULD OFFER AMNESTY OR PARDON TO THE VAST MAJORITY; THAT THE PRIME MINISTER HAS NOT BEEN COOPERATIVE ON JUSTICE ISSUES; THAT THE JUSTICE MINISTER HAS BEEN A DISASTER AND THE CAUSE OF DEEP DIVISION IN THE GOVERNMENT AND BETWEEN GOVERNMENT AND PARLIAMENT. END SUMMARY.

3. DATT AND I MET COLONEL/DOCTOR JOSEPH KAREMERA, MINISTER OF HEALTH AND RPF INSIDER, FIRST THING IN THE MORNING AUGUST SECOND, JUST BEFORE THE WEEKLY CABINET MEETING. I TOLD KAREMERA THAT I HAD COME TO HIM WITHOUT INSTRUCTIONS BUT WANTED TO TALK TO HIM ABOUT THE PRISON PROBLEM, THE KILLING OF PLACIDE KOLONI, THE ABSENCE OF MOVEMENT ON TRIALS, AND THE PERCEPTION BY SOME OUTSIDE RWANDA THAT THE GOR WAS INSENSITIVE TO THE JUSTICE ISSUE. I BRIEFED KAREMERA ON MY VISIT TO GITARAMA PRISON (REFTEL) AND THE UNHEALTHY ATMOSPHERE OF RUMOR SURROUNDING THE KILLING OF KOLONI, WHO HAD BEEN RELEASED FROM GITARAMA ABOUT A WEEK EARLIER AND WAS ASSASSINATED JULY 27. I TOLD KAREMERA THAT IT WOULD BE USEFUL FOR THE GOVERNMENT TO SPEAK OUT PUBLICLY ON BOTH THE PRISONS PROBLEM AND THE KILLING OF KOLONI, AND THAT IT WOULD BE USEFUL FOR ME TO ABLE TO TELL WASHINGTON WHAT THE GOR'S PLANS TO RELIEVE PRISON OVERCROWDING AND START UP THE JUSTICE SYSTEM WERE.

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4. THE KILLING OF KOLONI: KAREMERA WAS QUITE DISTRESSED
----- ABOUT THE KILLING OF KOLONI.
HE BLAMED THE PRIME MINISTER PERSONALLY FOR NOT TAKING
ADEQUATE PRECAUTIONS TO ENSURE KOLONI'S SAFETY, WHICH,
KAREMERA SAID, THE PM HAD BEEN INSTRUCTED TO DO BY THE
PRESIDENT. KOLONI WAS PART OF A GROUP OF SOME 55
OFFICIALS OF THE FORMER GOVERNMENT WHOSE ARREST DOSSIERS
HAD BEEN REVIEWED FOR POSSIBLE RELEASE. KOLONI WAS AMONG
SOME 25 WHOSE RELEASE HAD BEEN APPROVED. VICE-PRESIDENT
AND MINISTER OF DEFENSE KAGAME HAD CONVINCED THE

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PRESIDENT THAT THE COMMUNES RECEIVING THESE RELEASED OFFICIALS NEEDED TO BE PREPARED FOR THEIR RETURN BY HIGH-LEVEL GOVERNMENT OFFICIALS WHO WOULD PASS THE WORD THAT REVENGE WOULD NOT BE TOLERATED AND TO ENSURE THAT LOCAL RPA COMMANDERS PROVIDED ADEQUATE SECURITY. KAREMERA SAID THAT THIS WAS THE METHOD USED IN CONJUNCTION WITH THE CLOSURE OF THE KIBEHO IDP CAMP IN APRIL. HE SAID THAT THIS EXPLAINED WHY THERE WERE VERY FEW REVENGE KILLINGS WHEN THE IDPS RETURNED TO COMMUNES "PREPARED" BY THE GOVERNMENT. KAREMERA GAVE HIS OPINION THAT KOLONI WAS KILLED BY PEOPLE WHO WANTED TO DISCREDIT THE GOVERNMENT AND FRIGHTEN MODERATE HUTUS; THE GENOCIDE CASE AGAINST KOLONI WAS TOO FEEBLE TO SUPPORT A REVENGE KILLING IN SUCH CLOSE PROXIMITY TO UNAMIR'S MALI BATTALION, KAREMERA SAID. (NOTE: THE KOLONI FAMILY COMPOUND STOOD JUST 20 METERS ACROSS OPEN GROUND FROM THE SENTRY POSITION AT THE MALI INSTALLATION IN RUHANGO. END NOTE.) KAREMERA SAID THAT IN ANY CASE A GOR INVESTIGATION INTO THE KILLING WAS ALREADY UNDERWAY. (NOTE: THE MINISTRY OF THE INTERIOR HAD "ANNOUNCED," NOT VERY PUBLICLY, AN INVESTIGATION THE PREVIOUS DAY. END NOTE.) DATT AND I EMPHASIZED THAT THE SECRET

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GOR SHOULD SHARE THE RESULTS OF THAT INVESTIGATION, REGARDLESS OF ITS FINDINGS, IN ORDER TO INCREASE THE GOR'S INTERNATIONAL CREDIBILITY.

5. GOR MOVES ON PRISONS: KAREMERA SAID,
D, "WE HAVE BEEN

----- CONCERNED ABOUT THE PRISON
OVERCROWDING" AND HE MENTIONED THE FOLLOWING STEPS THE
GOR HAS TAKEN:

--SLOWING DOWN THE PACE OF ARRESTS.

--LOOKING FOR SITES FOR DETENTION CENTERS TO RELIEVE
PRISON OVERCROWDING. HE SAID THAT SITES HAVE BEEN
IDENTIFIED WHICH WOULD DOUBLE PRESENT CAPACITY AND
THAT THE MINISTRY OF JUSTICE HAS BEEN GIVEN FUNDS TO
START REHABILITATION WORK.

--THE MINISTER OF JUSTICE HAS BEEN DIRECTED TO MOVE

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MINORS TO REFORM SCHOOLS AND TO RELEASE CHILDREN
ACCOMPANYING MOTHERS ACCUSED OF CRIMES INTO
ORPHANAGES.

6. AMNESTY AND/OR PARDON: KAREMERA SAID THAT THE GOR
----- HAS BEEN HOLDING "MOST

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SECRET" CONVERSATIONS ON HOW TO ADMINISTER JUSTICE FOR THOSE ACCUSED OF GENOCIDE. THE GOVERNMENT HAS CONCLUDED

THAT IT WILL NEVER BE ABLE TO HOLD TRIALS FOR ALL THOSE ACCUSED. IT IS THEREFORE STUDYING A SYSTEM OF PLACING SUSPECTS IN THREE CATEGORIES: NATIONAL MASTERMINDS, LOCAL RINGLEADERS, AND -- THIS CHOICE OF WORDS MOST INTERESTING -- THOSE WHO WERE FORCED TO PARTICIPATE FOR FEAR OF THEIR
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OWN LIVES. KAREMERA SAID THAT THIS LAST CATEGORY WOULD INCLUDE THE VAST MAJORITY -- OVER 90 PER CENT -- OF THOSE INVOLVED IN THE GENOCIDE. KAREMERA SAID, "WE HAVE NEVER WANTED TO SHOOT PEOPLE." HE ALSO OBSERVED THAT IF ONE ACCEPTS THE FIGURE OF ONE MILLION GENOCIDE VICTIMS, ONE WOULD THEREFORE SUPPOSE THERE TO BE ABOUT 100,000 KILLERS -- FAR TOO MANY TO TRY. HE HOPED THAT THE INTERNATIONAL TRIBUNAL WOULD BE ABLE TO DEAL WITH THE FIRST CATEGORY, MOST OF WHOM ARE OUTSIDE RWANDA. THE SECOND CATEGORY, A RELATIVELY SMALL GROUP, MIGHT STAND TRIAL IN RWANDA. ON THE THIRD CATEGORY, GOR OPINION WAS DIVIDED OVER WHETHER A GENERAL AMNESTY COULD BE APPLIED, OR WHETHER SUSPECTS WOULD BE INVITED TO CONFESS AND BE GRANTED PARDON. KAREMERA DID NOT/NOT SAY THAT THIS PLAN COULD BE PUT INTO EFFECT RAPIDLY, AND HIS INSISTENCE ON PLANS TO INCREASE DETENTION CENTER CAPACITY SUGGESTS THAT THE AMNESTY/PARDON PLAN IS FORWARD THINKING.

7. MINISTER OF JUSTICE A FAILURE: KAREMERA EXPRESSED
----- DISGUST WITH THE
PERFORMANCE OF THE MINISTER OF JUSTICE, ALPHONSE NKUBITO. HE SAID THAT MEMBERS OF PARLIAMENT HAD ASKED THE GOVERNMENT TO FIRE NKUBITO AFTER THEY CAUGHT HIM LYING TO PARLIAMENT. HE SAID THAT THE GOVERNMENT, IN QUESTIONING NKUBITO ABOUT THE INCIDENT AT PARLIAMENT, CAUGHT NKUBITO IN A FURTHER LIE. KAREMERA SAID THAT NKUBITO WAS INEFFICIENT, INEFFECTIVE, AND INSUBORDINATE. HE SAID THAT THE RPF WAS PARTICULARLY EMBARRASSED BECAUSE THEY HAD SOUGHT NKUBITO OUT TO BE MINISTER OF JUSTICE BASED ON HIS REPUTATION AS A HUMAN RIGHTS ACTIVIST; THE RPF HAS

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BEEN SORELY DISAPPOINTED. KAREMERA SAID THAT THE TIME
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WAS NOT YET RIGHT FOR A CABINET SHUFFLE, HOWEVER, AND
THAT THE GOR WAS LOOKING FOR WAYS TO WORK AROUND NKUBITO.
HE ALSO TOOK ON BOARD A DATT SUGGESTION REGARDING THE
GOR'S DILEMMA THAT, IN THE MILITARY, A MORE SENIOR
OFFICER MIGHT BE TASKED TO OVERSEE THE WORK OF AN OFFICER
WHO IS NOT QUITE UP TO HIS JOB. KAREMERA THOUGHT THAT
THE PRESIDENT HIMSELF MIGHT BE INTERESTED IN SUPERVISING
NKUBITO'S WORK. KAREMERA WAS CAREFUL, HOWEVER, TO ACCEPT
THAT NKUBITO'S FAILURES WERE THE RESPONSIBILITY OF THOSE
WHO PLACED HIM IN OFFICE. HE SAID THAT THE FAULT LAY
WITH THE GOR, WHICH HE BLAMED FOR LACK OF INITIATIVE,
LACK OF RESPONSIBILITY, AND POOR PERSONNEL CHOICES.

8. COMMENT: KAREMERA SAID THAT HE WOULD TALK TO THE
----- PRESIDENT ABOUT OUR MEETING AND ABOUT MY
RECOMMENDATION THAT THERE BE A PUBLIC STATEMENT AND AN
OPEN INQUIRY INTO THE KILLING OF PLACIDE KOLONI. I MAKE
IT A RULE NOT TO JUDGE SINCERITY, BUT KAREMERA IS A MAN I
HAVE LEARNED TO TAKE AT HIS WORD, AND I THINK HE TOOK MY
MESSAGE ON BOARD: IT IS NOT ENOUGH FOR THE GOR TO
RECOGNIZE THE PROBLEM IN THE PRISONS AND TO BE DOING
SOMETHING ABOUT IT QUIETLY. IT MUST BE SEEN TO BE DOING
SOMETHING P
UBLICLY. IN THE MEANTIME, WE SHOULD BE DOING
WHAT WE CAN TO ENCOURAGE THE IDEA OF AMNESTY OR PARDON
FOR THOSE ACCUSED OF GENOCIDE. OPINION AMONG OBSERVERS
HERE (WITH THE NOTABLE EXCEPTION OF THOSE WHOSE SALARIES
AND CONTRACTS DEPEND ON PUSHING TRIALS) IS COALESCING
AROUND THE VIEW THAT TRIALS ARE CLEARLY IMPOSSIBLE. (SEE
SEPTTEL REPORT ON ICRC VIEWS.) THE NEWS THAT COLIN PORT
HAS RESIGNED FROM THE INTERNATIONAL TRIBUNAL DOES NOT
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PORTEND RAPID RESULTS FROM THAT QUARTER, EITHER.
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